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2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5 SAN JOSE DIVISION  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 CHRISTOPHER BERRY,

11 Defendant.  
12

Case No. 18-cr-00274-BLF-1

**ORDER CONTINUING SURRENDER  
DATE**

13 Defendant Christopher Berry pleaded guilty to one count of being a felon in possession, *see*  
14 18 U.S.C. § 922(g)(1) and one count of possession with intent to distribute marijuana, *see* 18 U.S.C.  
15 § 841(a)(1). ECF 47 (Plea); 44 (Superseding Indictment). Sentencing took place on February 18,  
16 2020, at which Mr. Berry was sentenced to 24 months in prison. ECF 57. The Court ordered Mr.  
17 Berry to self-surrender to the Bureau of Prisons by 2:00 p.m. on April 21, 2020. *Id.*

18 In light of our public health directives in response to the COVID-19 national emergency, the  
19 Court will *sua sponte* continue Mr. Berry's surrender date from April 21, 2020 to September 1,  
20 2020. A district court has inherent authority to stay proceedings "where such a stay would be a  
21 proper exercise of discretion." *Rhines v. Weber*, 544 U.S. 269, 276 (2005) (citing *Landis v. N. Am.*  
22 *Co.*, 299 U.S. 248, 254 (1936)). The seriousness of the COVID-19 national emergency is well-  
23 documented in the Northern District of California's General Order No. 72, issued on March 16,  
24 2020 by Chief District Judge Phyllis J. Hamilton. Mr. Berry is currently not in custody, *see* ECF  
25 57, as the Government has not sought to detain him pursuant to 18 U.S.C. § 3143 as a flight risk or  
26 danger to the community. Under the present circumstances, the Court finds there is good cause to  
27 stay execution of Mr. Berry's sentence and postpone Mr. Berry's surrender date.

28 Mr. Berry's surrender date is hereby CONTINUED to **September 1, 2020, no later than 2**

1 **p.m.** The Government is free to request the Court's reconsideration of this Order; it must do so by  
2 **April 3, 2020.** In addition, should public health conditions later necessitate a further continuance,  
3 the Court will consider a request to that effect by the defendant.

4  
5 **IT IS SO ORDERED.**

6  
7 Dated: March 27, 2020



BETH LABSON FREEMAN  
United States District Judge